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## Comprehending Canadian Police Cautions: Are the Rights to Silence and Legal Counsel Understandable?

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**Comprehension of a Canadian police right to silence caution and a right to legal counsel caution was examined. Each caution was first presented verbally in its entirety, followed by its sentence-by-sentence presentation in written format. Participants (N = 56) were asked to indicate, after each presentation, their understanding of the caution. When delivered in verbal format, 4 and 7% of participants fully understood the right to silence and legal counsel cautions, respectively. However, 48 and 32% of participants fully understood the right to silence and legal counsel cautions, respectively, when delivered in written format. Comprehension of the cautions was not influenced by gender, experience with the caution, or whether the caution was interpreted by a police recruit or regular student. The implications of the results for statement admissibility and protection of suspects' rights are discussed. Copyright © 2009 John Wiley & Sons, Ltd.**

Canadians being questioned about their involvement in a criminal offence are made aware of their rights to silence and legal counsel through the verbal delivery of a standardized passage of text known as a police caution. Unfortunately, research from several countries has shown that people fail regularly to understand the rights contained in these cautions (e.g., Fenner, Gudjonsson, & Clare, 2002). This lack of understanding is problematic because it raises concerns about the admissibility of any subsequent statement that is obtained (Marin, 2004) and the extent to which suspects' rights are being protected (Whittemore & Ogloff, 1994). Despite the obvious importance of this issue, relatively little is known about the extent to which Canadians understand police cautions.

Notwithstanding variations in legal rights and the wording of these rights across and within countries, it appears that people have great difficulty understanding their legal rights. A classic set of studies in this area by Grisso (1981) measured how well juvenile and adult offenders' in the United States understood their *Miranda* rights. He measured comprehension by reading each of the four components of a *Miranda* warning aloud and then asking participants to explain the meaning of each component in their own words. His results showed that only 21% of juveniles and 42% of adults

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fully understood their rights. Subsequent studies of *Miranda* comprehension using a range of populations (e.g., adolescents and mentally challenged individuals) have typically replicated the finding that it is rare for people to fully comprehend their *Miranda* rights (e.g., Rogers, Harrison, Hazelwood, & Sewell, 2007; Viljoen, Zapf, & Roesch, 2007).

Gudjonsson and his colleagues have also shown that comprehension of the England and Wales caution is relatively low. For instance, a study by Gudjonsson, Clare, and Cross (1992) found that only 42% of adult participants fully understood the caution. Although the caution was revised in 1994, two studies found that people still struggled to fully understand the new caution (Clare, Gudjonsson, & Harari, 1998; Fenner et al., 2002). Within these studies, the caution was first read aloud in its entirety and participants were asked to explain its meaning. Participants were then given a written form of the caution and each sentence was read aloud in turn, with participants providing their understanding of each sentence. Results from these studies, which measured comprehension amongst students, suspects, police officers, and the general population, found that the percentage of individuals who fully understood the caution when presented in verbal format ranged from 0% (suspects) to 48% (police officers). Presenting the caution in written format increased comprehension amongst all groups, with the percentage of suspects and police officers who fully understood the caution improving to 13 and 86%, respectively.

Similar to studies in other jurisdictions, research in Canada suggests that the comprehension of Canadian cautions is also low. In a study by Abramovitch, Higgins-Biss, and Biss (1993), comprehension of a right to silence and right to legal counsel caution among juveniles was examined by first reading each caution aloud and then presenting juveniles with a written version. After the caution was presented in the two formats, participants were then asked to repeat each caution in their own words. Results from this study showed that 88% of participants had full or partial understanding of the right to silence caution while 53% had full or partial understanding of the right to legal counsel caution. Unfortunately, the study did not separate out the percentage of individuals who fully understood the right to silence caution from those who partially understood it. Another study, which reduced each caution into a single sentence and read them aloud to a sample of juveniles, showed that 67 and 57% of juveniles fully understood the right to silence and right to legal counsel, respectively (Abramovitch, Peterson-Badali, & Rohan, 1995). A more recent study by Moore and Gagnier (2008), which measured how well a sample of university students understood a right to silence caution, also revealed a low level of comprehension, as 46% of participants fully understood the caution.

The fact that Canadian police cautions may be misunderstood routinely is problematic for both suspects and the police. Specifically, according to Canadian case law, a lack of understanding of police cautions means that (a) a statement gained by police interviewers could potentially be ruled inadmissible, and (b) suspects' rights and freedoms would not be properly protected as guaranteed by the Canadian *Charter* (see *Clarkson v. The Queen*, 1986). The purpose of the current study was to measure people's comprehension of a right to silence and right to legal counsel used in one Canadian police organization. In particular, we were interested in addressing the following five questions.

- (1) What is the level of comprehension of the two cautions?
- (2) What is the effect of format (verbal versus written) on comprehension?

- (3) What legal rights contained in the cautions are the most difficult to understand?
- (4) What is the impact of gender, prior knowledge of the cautions, and group status (regular student versus police recruit) on comprehension?
- (5) Is confidence related to level of comprehension?

## METHOD

### Participants

Participants ( $N=56$ ) were undergraduate students enrolled in an Introduction to Forensic Psychology course at Memorial University of Newfoundland. Of the 56 participants, 25 were students enrolled in a police recruit program while 31 were university students enrolled in regular degree programs. The sample consisted of 23 men (mean age = 24.39,  $SD = 4.38$ ) and 33 women (mean age = 23.18,  $SD = 5.00$ ). Approximately 42% of the participants indicated that they had previously heard the right to silence caution presented to them in the current study. Similarly, 41% of the participants indicated that they had previously heard the right to legal counsel caution.

### Materials

The experimental package used in this study consisted of two separate booklets. The first booklet was used to record participants' understanding of the right to silence caution and contained, on separate pages, (a) a title page that contained the contact information for the first author, (b) experiment instructions and a section for participants to record their understanding of the right to silence caution, (c) a seven-point rating scale (1 = not confident at all to 7 = very confident) for participants to indicate their level of confidence in their answer, (d) a section for participants to record their understanding of the first sentence of the police caution and a seven-point rating scale to indicate their level of confidence in their answer, (e) a section for participants to record their understanding of the second sentence of the right to silence caution and a seven-point rating scale to indicate their level of confidence in their answer, (f) a section for participants to record their understanding of the third sentence of the right to silence caution and a seven-point rating scale to indicate their level of confidence in their answer, and (g) a series of demographic questions, along with a question regarding whether or not the participant had heard the right to silence caution previously.

The second booklet was used to record participants' understanding of the right to legal counsel caution. Because this caution also contained three sentences, this booklet was identical to the first booklet, with the exception of the deletion of demographic question page and the addition of a debriefing form.

The two Charter cautions—right to silence and right to legal counsel—are derived from sections 7 and 10b of *The Canadian Charter of Rights and Freedoms*. The exact wording for the two cautions used in the current study was obtained from the Royal Newfoundland Constabulary (RNC); the caution was the same one that the RNC use in their criminal investigations. Note that there is a phone number that can be provided to suspects if they wish to contact duty counsel (i.e., free lawyer who will provide immediate legal advice), and this number could be seen as being part of the right to legal counsel caution. Because we were unsure whether or not this number is provided

routinely to suspects, we did not want to make the caution unduly complex by including it in the stimulus presented to participants.

The right to silence caution states:

*You need not say anything. You have nothing to hope from any promise or favour, and nothing to fear from any threat, whether or not you say anything. Anything you do say may be used against you as evidence.*

The right to legal counsel caution states:

*You have the right to retain and instruct counsel without delay. You have the right to immediate access to advice from duty counsel (lawyer) free of charge. You also have the right to subsequently be represented by a lawyer free of charge if you meet the criteria set up by the Newfoundland Legal Aid Commission.*

## Procedure

The study was conducted in a single session in a large lecture theatre. Participants were separated by an empty seat on either side of their seating positions. Prior to being given the experimental package, participants were asked to read and sign an informed consent. The first author outlined instructions regarding how to complete the study and participants were asked to verify that they understood the instructions.

Similar to the methodology employed by other researchers in this area (e.g., Clare et al., 1998; Fenner et al., 2002), we assessed the understanding of the cautions in two ways. First, the caution was read aloud, slowly and clearly, in its entirety. Participants were then asked to record their understanding of the caution on the booklet provided, as well their level of confidence in their answer. Second, each of the three sentences was read aloud in turn, slowly and clearly, while simultaneously being displayed (size 28 font) on a 10' by 13' screen by an overhead projector. All participants verified that they could read the material displayed on the screen before completing the experiment. Participants were asked to record their understanding of each sentence in the booklet provided, as well as their level of confidence in each of their answers. Participants were then asked to complete several demographic questions as well as to indicate whether or not they had previously heard the right to silence caution.

Upon completion of the first booklet, the same procedure was repeated to assess the participants' understanding of the right to legal counsel caution. Once participants completed the second booklet, they were given a one-page debriefing form that detailed the purpose of the study. The study took approximately 30 minutes to complete.

## Coding Participant Answers

Participants' answers for both booklets were scored using a coding guide developed by the first author. This coding was developed through analysis of relevant articles and court cases (e.g., *R v. Brydges*, 1990; *R v. Hebert*, 1990; Whittemore & Ogloff, 1994), as well as consultation with a lawyer.

For the right to silence caution, the first sentence was scored as correct (1 point) if the participant indicated that they have the right to remain silent. The second sentence was broken down into two components. For the first component of the second sentence, participants scored one point if they indicated that the interviewer has no power to offer promises and favours, regardless of whether or not they decide to speak. For component two of the second sentence, participants also scored one point if they indicated that the

interviewer does not have the authority to enact threats, regardless of whether or not they decide to speak. The third sentence was scored as correct if the participant indicated that any information volunteered would be able to be used against them in any future legal proceedings. Scores for the overall comprehension of the right to silence caution could range from zero to four.

For the right to legal counsel caution, each of the three sentences was broken into two components. For sentence one, participants scored one point if they indicated that they have the right to contact a lawyer and a second point was awarded if it was indicated that this right must be given prior to any questioning occurring by the police. For the second sentence, one point was awarded if the participant indicated that they have a right to free legal advice, and a second point was given if the immediate nature of this right was mentioned. For the third sentence, participants scored one point if it was acknowledged that they had the right to free legal representation in subsequent legal proceedings, and another point was awarded if the participant mentioned that this right was contingent on meeting the requirements of the Newfoundland Legal Aid Commission. Scores for the overall comprehension of the right to legal counsel caution could range from zero to six.

### **Inter-Rater Reliability**

Agreement of the coding was assessed by having the second author independently code all of the answers. The reliability of coding was measured using Cohen's Kappa (Cohen, 1960). For the right to silence caution Kappa was .84, while Kappa was .76 for the right to legal counsel caution. Across both booklets the overall Kappa was .79. These values suggest excellent agreement between the coders (Fleiss, 1981; Landis & Koch, 1977).

### **Design**

For each caution, a 2 (police recruit/student)  $\times$  2 (men/women)  $\times$  2 (heard caution before/had not heard caution before)  $\times$  2 (verbal format/written format) mixed quasi-experimental design was used to examine overall comprehension amongst the participants. The within-subject variable was whether the caution was delivered to the participants in a verbal or written format. The between-subject variables were the participant's group (police recruit or student), gender, and self-reported knowledge of the caution. The dependent variable was the comprehension of the caution, with the right to silence being scored out of 4 and the right to legal counsel being scored out of 6.

## **RESULTS**

### **The Right to Silence Caution**

The results of an ANOVA showed a significant main effect of format type,  $F(1, 47) = 48.949$ ,  $p < .001$ ,  $\eta^2 = .49$ . The average comprehension scores of the right to silence caution were 1.76 ( $SD = .88$ ) and 3.11 ( $SD = .96$ ) when delivered in a verbal versus a written format, respectively. All interactions between delivery format and the other variables were not significant.

The between-participant comparisons did not reveal any statistically significant difference between regular students ( $M=2.42$ ,  $SD=1.08$ ) and police recruits ( $M=2.46$ ,  $SD=1.22$ ),  $F(1, 47) = 2.051$ , n.s.,  $\eta^2 = .03$ . Nor was there a statistically significant difference between men ( $M=2.43$ ,  $SD=1.17$ ) and women ( $M=2.44$ ,  $SD=1.13$ ),  $F(1, 47) = 1.668$ , n.s.,  $\eta^2 = .03$ , or between those who indicated that they had heard the caution before ( $M=2.46$ ,  $SD=1.21$ ) and those who had never heard the caution ( $M=2.42$ ,  $SD=1.10$ ),  $F(1, 47) = 1.036$ , n.s.,  $\eta^2 = .02$ . There was a significant two-way interaction between gender and whether or not the caution was heard previously,  $F(1, 47) = 7.949$ ,  $p < .01$ ,  $\eta^2 = .12$ . Although men who had indicated they had heard the caution before ( $M=2.17$ ,  $SD=1.34$ ) had lower overall comprehension (irrespective of format type) compared with women who had previously heard the caution ( $M=2.64$ ,  $SD=1.10$ ), men who had never heard of the caution ( $M=2.62$ ,  $SD=1.02$ ) had a slightly higher level of comprehension than women who had indicated they had never heard the caution before ( $M=2.29$ ,  $SD=1.14$ ). No other interaction effects were significant.

The percentage of participants who understood each of the sentences comprising the right to silence caution, delivered via verbal and written formats, is shown in Figure 1. As can be seen, the majority of participants understood the first and third sentences when the caution was presented verbally (all  $>75\%$ ). However, a small percentage of participants understood the second sentence. Specifically, 7% of participants understood the first part of sentence 2 and 14% of participants understood the second part of that sentence when the caution was presented verbally. Such findings suggest that there is minimal comprehension of at least half of the information contained in the right to silence caution when delivered in a verbal format. Participants appeared to understand that they could choose whether or not they spoke to the interviewer, and

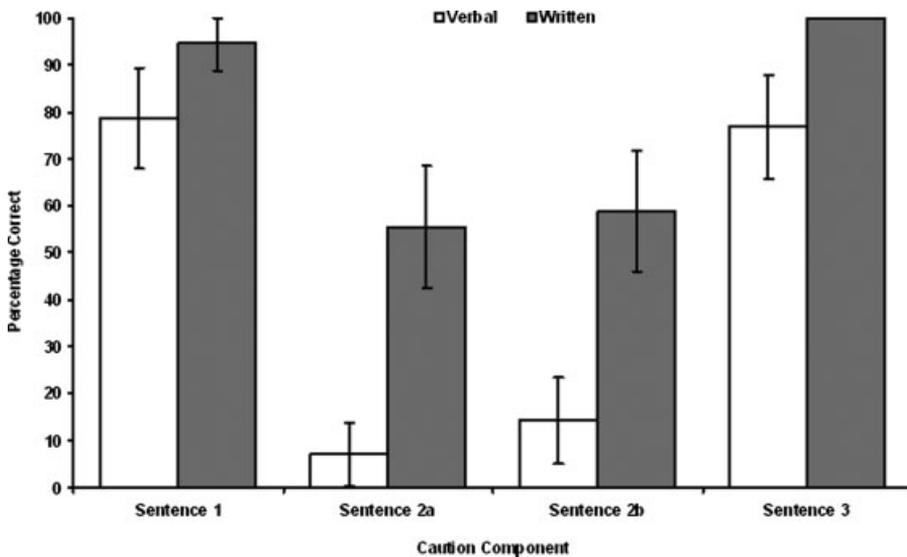


Figure 1. The percentage of participants, and associated 95% confidence intervals, who understood each of the components comprising the right to silence caution in both verbal and written formats. Please note that the upper limit of the confidence intervals for sentence 1 (verbal format) was greater than 100%, thus we adjusted the upper limit to stop it from exceeding the upper limit of the vertical axis.

that anything they did say could be used as evidence in court. However, the majority of participants either did not mention or appeared to misunderstand the second sentence relating to the interviewer not being able to make threats or offer promises. Below are three examples of answers from participants.

“I am under no obligation to say anything, but anything I do say will be taken as evidence.”

“Anything that a suspect says can be used against him/her in court. However suspect will not be threatened by information he/she said.”

“To me it seems that you have the right to not to speak or say anything at all, however if you do choose to speak it can be used as evidence against you. The only thing is I am unsure of one of the statements made in between the first and last one.”

Similar to the verbal format, the vast majority of participants understood the first and third sentences of the right to silence caution when it is delivered in a written format (see Figure 1). Nearly all of the participants (95%) understood the first sentence and every participant understood the third sentence. There was, however, an increase in comprehension of the second sentence when delivered via written format, as 55% of participants understood the first part of the second sentence and 59% of participants understood the second part of the that sentence.

The percentage of participants who understood the various components of the rights to silence caution is shown in Table 1. As can be seen, 3.6% of participants understood all four components when presented verbally. When presented in written format, 48.2% of participants fully understood the caution. The results contained in Table 1 also show that approximately 13 and 63% of participants understood more than half of the information contained in the caution when presented in verbal and written formats, respectively.

There was no statistically significant relationship between participants' comprehension of the right to silence caution and confidence in the accuracy of their answers. For the verbal format, the correlation between comprehension and confidence was  $r = .14$  ( $p = .30$ ). For the written format, the correlations between comprehension and confidence for each of the three sentences was  $r = .01$  ( $p = .95$ ),  $r = -.25$  ( $p = .06$ ), and  $r = .00$ , respectively.

## The Right to Legal Counsel Caution

The results of an ANOVA showed a significant main effect of format type,  $F(1, 48) = 43.189$ ,  $p < .001$ ,  $\eta^2 = .45$ . The average comprehension score for the right to legal counsel caution was 2.64 (SD = 1.59) when delivered in a verbal format and 4.63

Table 1. Percentage of participants comprehending the components of the right to silence

Format type	Number of components comprehended (out of 4)				
	4	3	2	1	0
Verbal format	3.6	8.9	57.1	21.4	8.9
Written format	48.2	14.3	35.7	1.8	0.0

(SD = 1.23) when delivered in a written format. All interactions between delivery format and the other variables were not significant.

The between-participant comparisons did not reveal any statistically significant difference between regular students ( $M = 3.76$ ,  $SD = 1.77$ ) and police recruits ( $M = 3.48$ ,  $SD = 1.68$ ),  $F(1, 47) = 2.051$ , n.s.,  $\eta^2 = .00$ . In addition, there were no significant differences between men ( $M = 3.54$ ,  $SD = 1.60$ ) and women ( $M = 3.70$ ,  $SD = 1.82$ ),  $F(1, 47) = 1.668$ , n.s.,  $\eta^2 = .01$ , or between those who indicated that they had heard the caution previously ( $M = 3.70$ ,  $SD = 1.52$ ) and those who had not heard the caution previously ( $M = 3.59$ ,  $SD = 1.87$ ),  $F(1, 47) = 1.036$ , n.s.,  $\eta^2 = .00$ . There were no significant interactions.

The percentage of participants who understood each of the sentences comprising the right to legal counsel caution, delivered via verbal and written formats, is shown in Figure 2. A majority (all >60%) of participants understood the first part of the first sentence and both parts of the third sentence when the caution was presented verbally. However, only 34 and 21% of participants understood the second part of the first sentence and the first part of the second sentence, respectively. Furthermore, 11% of participants understood the second part of the second sentence. As with the right to silence caution, there appears to be minimal comprehension of approximately half of the information contained in the right to legal counsel caution when delivered in a verbal format. Participants appeared to understand that they could contact a lawyer and had some understanding of their ability to get a free lawyer to represent them if they met certain criteria. However, most participants either did not mention the free legal advice or believed it was dependent on meeting certain criteria. Below are three examples of answers from participants.

“You have the right to obtain a lawyer for advice. You have the right to instant advice by a duty council lawyer if you meet the standards. You have the right to be represented by a lawyer.”

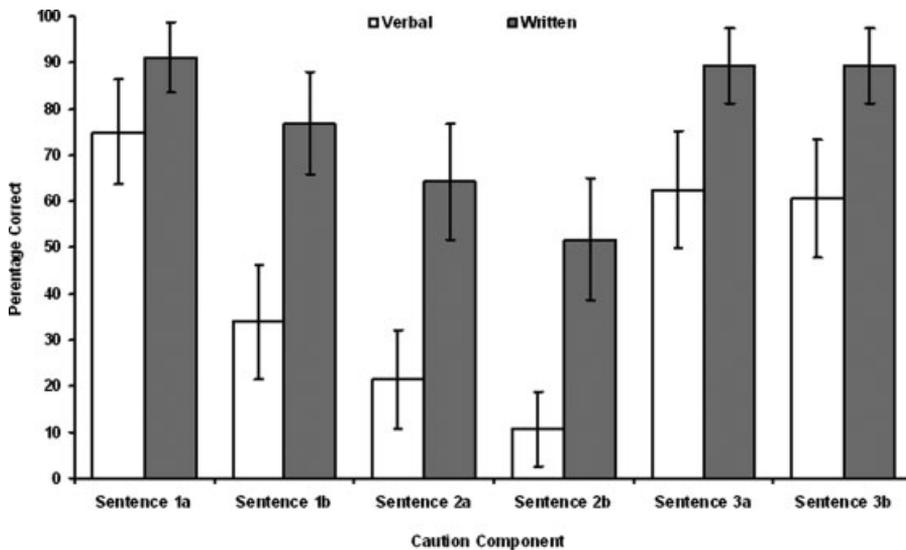


Figure 2. The percentage of participants, and associated 95% confidence intervals, who understood each of the components comprising the right to legal counsel caution in both verbal and written formats.

“You have the right to legal representation, and advice from a lawyer free of charge, but only if you meet the requirements of the legal aid regulations.”

“You can immediately contact a lawyer, no questions asked. You are offered a free lawyer as long as you meet the standards set by the legal aid commission.”

The results also show that the comprehension of every sentence increased when delivered to the participants in a written format (see Figure 2). Specifically, nearly all of the participants understood the first part of the first sentence and both parts of the third sentence (all >89%). Approximately 77% of the participants understood the second part of the first sentence, and 64 and 52% of participants understood the first and second parts of the second sentence, respectively.

The percentage of participants who understood the various components of the rights to legal counsel caution is shown in Table 2. As can be seen, only 7.1% of participants understood all six components when presented verbally. When presented in written format, 32.1% of participants fully understood the caution. The results contained in Table 1 also show that approximately 23 and 80% of participants understood more than half of the information contained in the caution when presented in verbal and written formats, respectively.

An analysis of participants' comprehension of the right to legal counsel caution and confidence in the accuracy of their answers produced significant positive and negative relationships. For the verbal format, the correlation between comprehension and confidence was  $r = .38$  ( $p = .00$ ). For the written format, the correlations between comprehension and confidence for each of the three sentences was  $r = -.46$  ( $p = .00$ ),  $r = -.08$  ( $p = .54$ ), and  $r = -.30$  ( $p = .03$ ), respectively.

## DISCUSSION

The goal of the current study was to determine how well people comprehend a right to silence and right to legal counsel caution being used in one Canadian police jurisdiction. In line with previous research (e.g., Clare et al., 1998; Fenner et al., 2002; Moore & Gagnier, 2008; Shepherd, Mortimer, & Mobasher, 1995), we found that the level of comprehension of cautions was low. We also replicated the previous findings (e.g., Clare et al., 1998; Fenner et al., 2002) that presenting police cautions sentence by sentence in written format allowed for greater comprehension than what was achieved when the cautions were presented verbally in their entirety. Interestingly, the struggle to comprehend the police cautions resided primarily with the second sentence of both cautions. Consistent with another finding (e.g., Cooke & Philip, 1998; Grisso, 1981), we found that participants' prior knowledge of the cautions was unrelated to

Table 2. Percentage of participants comprehending the components of the right to legal counsel

Format type	Number of components comprehended (out of 6)						
	6	5	4	3	2	1	0
Verbal format	7.1	5.4	10.7	30.4	25.0	10.7	10.7
Written format	32.1	23.2	25	14.3	5.4	0.0	0.0

comprehension; gender and group status was also found to be unrelated to comprehension. Last, we replicated the finding that self-reported confidence is an unreliable measure of actual level of understanding (see Cooke & Philip, 1998; Fenner et al., 2002; Shepherd et al. 1995). In general, our results suggest that Canadians facing an investigative interview situation will not fully comprehend their rights, and therefore are unable to make a fully informed decision regarding whether or not they should waive them.

Similar to the findings reported in caution comprehension studies conducted in other countries, our participants showed limited understanding of the police cautions (see Clare et al., 1998; Fenner et al., 2002; Moore & Gagnier, 2008; Shepherd et al., 1995). When presented verbally in its entirety, as it would be in an actual interview, only 4% of participants fully understood the right to silence caution and only 7% fully understood the right to legal caution counsel. As mentioned by Fenner et al. (2002), the low level of caution comprehension is potentially due to the complex nature of cautions. For example, cautions often contain legalistic phrases that are not known by the general public and often exceed the capacity of working memory when presented verbally (see Rogers, Hazelwood, Sewell, Harrison, & Shuman, 2008).

The lack of understanding of the cautions was due primarily to the second sentence of both cautions. In verbal format, only 5% of participants fully understood the second sentence of the right to silence and only 9% fully understood the second sentence of the right to legal counsel. The fact that participants continued to struggle with the second sentences even when presented in written format suggests that the sentences are overly complex. This is problematic, as these sentences contain crucial information about interviewers' ability to offer promises and enact threats and the interviewee's right to immediately access free legal advice. It should be noted that, although the exact wording of police cautions differ across police organizations, the majority of these cautions contain similar sentences with difficult words and complex grammatical structure (see Eastwood, Snook, & Chaulk, manuscript submitted for publication, for results of a complexity analysis of Canadian police cautions).

Consistent with previous findings (Clare et al., 1998; Fenner et al., 2002; Shepherd et al., 1995), we found that presenting the cautions sentence by sentence in a written format leads to a much greater understanding of the cautions. When presented in written format, there was a 45% increase in the percentage of participants who fully understood the right to silence and a 25% increase in the percentage of participants who fully understood their right to legal counsel. This improvement may be due to the fact that participants could review the information more than once, rather than relying strictly on memory as was the case in the verbal delivery condition (see Rubin, 1987). It seems that interviewers could increase the likelihood of a suspect understanding their rights by presenting the cautions in sentence-by-sentence written format. Having said this, our sample did consist of highly literate individuals, whereas offender populations are known to have high rates of illiteracy and reading difficulties (e.g., Muirhead & Rhodes, 1998). More research is needed to determine whether the same improvement would be seen with a sample of actual offenders.

Aside from the type of format, none of the factors explored in the current study appeared to impact the level of caution comprehension. Participants' gender, prior experience with the cautions, and whether the caution was being interpreted by a police recruit or regular student did not have an impact on overall comprehension of the

cautions. These results suggest that different sorts of individual facing an interview are equally likely to lack full comprehension of the cautions.

Our results suggest that confidence is not a reliable indicator of comprehension. When presented verbally, no relationship between confidence and comprehension for the right to silence caution was found and only a moderate relationship was found for the right to legal counsel caution. As other researchers have previously argued (see Cooke & Philip, 1998; Fenner et al., 2002; Shepherd et al., 1995 for similar results), this finding suggests that the extent to which an individual claims to understand the caution has little bearing on whether they truly understand the information contained in the caution. As a result, we echo the suggestion by Fenner et al. and Clare et al. (1998) that interviewers and lawyers should consider getting suspects to explain the meaning of the cautions in their own words before the start of an interview.

The interviewing of suspects is a staple of police investigations. Typically, courts have assumed that individuals who are mentally impaired, intoxicated, of a young age, and so on are unable to understand their rights, and have subsequently ruled that statements taken from such individuals are inadmissible (see Whittemore & Ogloff, 1994). However, we contend that this comprehension-admissibility issue applies to more than just vulnerable populations, since a sample of university students also showed a marked inability to comprehend these cautions. Although the sample in the current study is relatively small, the findings match those from similar research from other countries as well as those from emerging research using other Canadian police cautions (Eastwood et al., manuscript submitted for publication). Given the non-stressful nature of the testing situation compared with the stress associated with a real interview, these results strongly suggest that the majority of suspects facing an interview are unlikely to fully understand their rights contained in Canadian police cautions. Overall, the assumption within the judicial system regarding who can and cannot comprehend their rights (which affects the admissibility of statements) needs revisiting.

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